

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 457 of 2015 (F)

PETITIONER(S):

**SAIDALAVI, AGED 52 YEARS,
S/O.ABDU HAJI, AMBATTUVALAPPIL HOUSE, KALADI P.O.,
PONNANI TALUK, MALAPPURAM DISTRICT**

**BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

RESPONDENT(S):

- 1. THE DEPUTY TAHSILDAR
REVENUE RECOVERY
KERALA STATE FINANCIAL ENTERPRISES LTD.
PALAKKAD II BRANCH, PB NO.40, OPPOSITE AROMA THEATER
PALAKKAD 678 001.**
- 2. BRANCH MANAGER
KERALA STATE FINANCIAL ENTERPRISES LTD.
BRANCH OFFICE, NILAMBUR, NILAMBUR PO 679 329
MALAPPURAM DISTRICT**
- 3. THE DISTRICT COLLECTOR MALAPPURAM
COLLECTORATE , CIVIL STATION, MALAPPURAM 676 505**

**R2 BY ADV.SRI.BABU VARGHESE (SR.)
R2 BY ADV.SRI.ALEXANDER.C.V., SC, KERALA STATE FINANCIAL
ENTERPRISES
BY GOVT. PLEADER SMT.SOBHA ANNAMMA EAPPEN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY NO.17/07-71

EXHIBIT P2 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY NO. 17/07-93

EXHIBIT P3 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY NO.17/08-25

EXHIBIT P4 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY NO.17/08-26

EXHIBIT P5 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY NO. 17/08-27

EXHIBIT P6 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY NO.02/09-28

EXHIBIT P7 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY NO.16/10-19

EXHIBIT P8 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY NO.16/12-18

EXHIBIT P9 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY LOAN NO.1345

EXHIBIT P10 - COPY OF THE ACCOUNT STATEMENT IN RESPECT OF CHITTY LOAN NO.1371

EXHIBIT P11 SERIES - COPY OF THE DEMAND NOTICES ISSUED TO THE PETITIONER U/S 7 OF RR ACT.

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.457 OF 2015 (F)

Dated this the 23rd day of January, 2015

J U D G M E N T

The petitioner, who had availed of a chitty loan from the 2nd respondent, defaulted in repayment of the same. Consequently, the 2nd respondent initiated proceedings under the Revenue Recovery Act, to recover the loan amounts. Ext.P11 series are the demand notices issued to the petitioner in that regard. In the writ petition, the petitioner impugns the steps initiated by the 2nd respondent for recovery of the loan amounts.

2. I have heard Sri.P.Samsudin, the learned counsel appearing for the petitioner as also Sri.C.V.Alexander, the learned Standing counsel appearing for the 2nd respondent KSFE.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit him to remit the amounts outstanding to the 2nd respondent in easy installments. Taking into account the plea

of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) The total amount outstanding from the petitioner to the 2nd respondent is stated to be Rs.23,45,657/- together with accrued interest. Accordingly, if the petitioner remits the above amount of Rs.23,45,657/- together with accrued interest in twelve equal and successive monthly installments commencing from 15.2.2015, then the recovery steps initiated against him by the 2nd respondent shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the 2nd respondent will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp